THE ATLANTA CONSTITUTION.

BY W. A. HEMPHILL & CO.

ATLANTA, GEORGIA, FRIDAY, MAY 23, 1873. VOLUME V—NUMBER 260

PRICE FIVE CENTS.

ATLANTA, MAY 23, 1873.

From Yesterday's Evening Edition.

BANNER PRESENTATION.—In yesterday's paper we stated that a banner would be presented on the 26th instant to the Atlanta Cadets by the ladies of the Memorial Association. We have since been informed that this is a mistake, and that the banner will be presented by the ladies of Atlanta. We make the correction willingly, as this is a matter in which all of our ladies, we know, feel an interest, and we are more than anxious to take a part.

THE GRAND COMMANDERY OF KNIGHTS TEMPLAR OF THE STATE OF GEORGIA met in Atlanta yesterday, and elected the following officers for the ensuing year:

W. H. Tuller, R. E. Grand Commander.
S. P. Hammett, V. E. Deputy Grand Commander.
G. T. Anderson, E. Grand Generalissimo.
W. G. Pollard, E. Grand Captain General.
J. W. Burke, Excellent Grand Prelate.
A. H. Steed, Grand Senior Warden.
K. M. Rose, Grand Junior Warden.
John G. Deitz, Grand Standard Bearer.
A. M. Wollfolk, Grand Sword Bearer.
Amos Fox, Grand Warden.

Next grand conclave to be held in the Asylum of Palestine Commandery, No. 7, K. T., at Savannah, on the second Wednesday in May next.

THE BALL AND BANQUET.

A Success in Every Respect.

The Splendid Pageant.

The Most Brilliant Festivity Ever Had in Atlanta.

Balls are very much alike, only, perhaps, some of them are more so. The sweep of fashionable throngs, the dazzle of beauty, the gayety, the glitter, the dancing, the merry pleasure and unconscious rush of joy, characterize all of them.

Atlanta outdid herself in this festivity. A more brilliant occasion never occurred in any Southern city. Rare management marked it in every particular.

The banquet was the finest ever given in this city. It would be almost impossible to give a just description of the unparalleled magnificence of the supper, in its ample profusion of everything which could tempt either the eye or the palate, and at which we were allowed to take a peep before the guests had entered.

At the further end of the dining room was a solid fruit cake over seven feet in height. This monster of good things was covered with icing, and moulded so as to represent a mountain, and was surmounted at the top with a most beautiful representation of the Georgia coat of arms. The pillars, with their well known mottoes, supporting the Constitution, were wonderfully complete in every particular. At the base of this beautiful cake-mountain was a canal skillfully cut and tunneled, on which were several boats, and a number of water fowls. It was a felicitous coincidence that the magic word "CONSTITUTION" crowned the colossal creation emblematic of the pre-eminence of journalism as represented by the ATLANTA CONSTITUTION. The supper tables extended the full length of the dining room, and contained literally everything which the epicurean taste could possibly desire. Too much praise cannot be given to Col. Nichols, the energetic proprietor of the house, for his wonderful display of good things, and his tasteful arrangement of the tables. He was most efficiently assisted by his accomplished steward, Mr. Belisario. Colonel Nichols deserves the thanks of the city for the magnificent manner in which he has carried out the contract for this great festivity. Wine flowed freely and added its exhilarating enlivenment to the joyous occasion. The committee on entertainment also deserves high praise for its discharge of duty. Colonel O. H. Jones, Mr. R. J. Lowry, Dr. C. L. Redwine, Messrs. Chamberlin, Markham, Peck, McBride and Nichols performed wonders.

The attendance was immense, in spite of the weather, and included, of course, all the Governors. The display of dressing was the most dazzling and elegant ever seen in Atlanta. We can't enumerate the belles. Tennessee and Georgia belles predominated. Nearly every city in our State was beautifully represented, while Atlanta out-shone herself.

The dancing, admirably managed by the floor committee, was commenced at ten o'clock, and, with the exception of the stop for supper, kept up until daylight. Gov. Hendricks, of Indiana, opened the first cotillion with Mrs. Gov. Brown, of Tennessee.

Prof. Freyer's well known orchestra furnished the music, and it was so delightful that feet seemed never to tire of moving to its strains.

This ball will long be remembered as one of the events of Atlanta.

Summary of State News.

BARNESVILLE.

Burglars about.——A spring turnip, measuring fourteen inches in circumference, has been placed on our table.——Fishing parties are the order of the day.—*Gazette.*

AUGUSTA.

On Tuesday Mr. Wiley Jeters, an old man, while sitting on a mule on Tuesday, near the canal basin, suddenly fell from the animal and expired in a few moments.—*Constitutionalist.*

SAVANNAH.

The matrimonial fever is increasing.——A kerosene lamp exploded in Savannah, Tuesday evening, in the store of Mr. Shieme. Damage, three clocks burned and a stock of candles partially destroyed by water.—*News.*

PONT VALLEY.

Mr. Schofield, in Crawford county, had a peacock who died a few days ago, and was seventeen years old.——Money matters are close. We want a nickel factory started if we can't do better.——Reynolds had a disastrous hail storm on Thursday last.—*Bunsen Mirror.*

DALTON.

We are in possession of reliable information, gathered from our own observation and that of others, which unquestionably authorizes us in asserting that North Georgia, Northeast Alabama, and lower East Tennessee contain greater and more available iron deposits than the whole State of Pennsylvania.——We have had copious rains during the past week.—*North Georgia Citizen.*

COLUMBUS.

A librarian for the Public Library is to be elected on the first Friday in next month. We hear that two ladies are contestants for the position of librarian, and are canvassing faithfully. The salary is $300.——On Tuesday, the assignee of Mr. John King, of Columbus, are to pay twenty per cent. to creditors at the Merchants' and Mechanics' Bank.—*Sun.*

Judge Bartlette, temporarily occupying the seat of Judge Johnson, yesterday cleared away considerable rubbish, which has cumbered our Superior Court dockets for many years. Some seventy old bank cases, known as the Dougherty cases, were wiped out in various ways, and we suppose will never be heard of again. In many of these old cases, which have been called for a quarter of a century, both plaintiffs and defendants are dead. It must be gratifying to both Judge and Bar that these cases have at last been finally disposed of.—*Enquirer.*

Feminine Personals.

Queen Victoria has lost Red, officially, twelve of her Premiers.

Emma Dodge almost despairs of her sex because women cannot express their wishes in concise, accurate and business like terms half so easily as men.

A beautiful young girl, who has been traveling in the West as drummer for a wholesale grocery house of Boston, has just been discharged by her employers, because she induced the retail dealers to order more goods than they were able to dispose of or pay for.

Art Items.

William Hahn has sold his San Francisco market scene to Judge Crocket for $2,500 in gold.

Kentucky wants one more portrait of Daniel Boone. The last artist put a paper collar on Daniel, which wasn't right.

The French jury of the annual fine arts exhibition has now completed its task. Of about 6,000 works sent in, the number accepted—painting, sculpture, engraving, etc., do not exceed 2,000.

De Mortuis.

Major W. L. Groves, of Chattooga county, died on the 17th instant.

Mr. T. J. Barker, of Chattooga county, died May 18th.

On Monday last, Mrs. Marion McKenzie, of Rome, died.

Mr. Albert Wescott, of Hawkinsville, died on Monday last.

On Friday last, died, at his residence near Fort Valley, Mr. J. H. Allen.

Mr. U. P. Thornton died at his home, near Barnesville, on Saturday last.

Mr. Joseph Blair, who lived near Varnell Station, Whitfield county, died one day last week.

Daily Condensations.

The German speaking Catholics have raised over $500,000 for a daily Catholic paper in New York.

New York city has only 8,400 bars where liquor is bolted down.

The mortuary statistics of New York city show that within the last 20 years over 6,000 persons have been drowned in its adjacent waters.

The courts of Missouri have decided that debts contracted on Sunday are legal.

Early next fall the people of Pennsylvania will be called upon to vote on the new Constitution.

The English newspapers are discussing the necessity of raising prices.

Varieties.

The only feathers in the lava beds are those worn by the Modocs.

A Connecticut hen lays twin eggs, by some miscalculation.

"How are you getting along, John?" "Not very well; I have to live on my wife." "I should think that would be a very thin diet."

A Rochester man who dreamed he dwelt in marble halls awoke on the sideswalk, having bounced out of the window.

"You ought to let me pass here free of charge, considering the benevolent nature of my profession," said a physician to a toll gate keeper. "Not so," was the reply, "you send too many dead heads through here now." The doctor didn't stop to argue the point, but paid his toll and passed on.

Briefs.

Pretty girls are the guide boards that point the way to the State of Matrimony.

The removal of dust, snow and ice from the streets of Boston last year cost $125,000.

Lord Brougham once said that no man had any right to a nervous system who does not possess two thousand a year.

During the time that the late Sir Robert Peel was Premier, Lady Jane Peel was in the habit of pasting on a screen all the articles which appeared in the papers opposed to him. "There is nothing very singular in that," remarked Peel. "It is the duty of every good wife to screen her husband's faults."

DEATH IN A PALACE SLEEPING CAR.

A Distinguished Victim.

From the Chicago Inter-Ocean.]

Death, in one of its saddest phases, came yesterday afternoon to a lovely and much esteemed lady, widely and honorably known both in this country and in Europe. The closing scene in the life of the Comptesse de Pourtales-Gorgier occurred on a Pullman palace car, near Aurora, as the afternoon train on the Chicago, Burlington and Quincey Railway was approaching this city. This lamented lady is the daughter of Benjamin Holliday, the great stage line owner of the Pacific coast, who has been prominently connected with the recent developments of the railways at California and Oregon. The Countess was accompanied by her husband, the Comte Arthur de Pourtales-Gorgier, by their child, a little girl about one year and six months old, and two servants. For more than a year the health of the Countess de Gorgier had not been good, and during that time the family have traveled extensively. The past winter was spent at Holliday's home in Portland, Oregon. This spring the family concluded to spend the summer months among the mountains of Switzerland, and in steerage of the lady seemed adequate to the long journey the family left Portland about a week ago, and had come thus far on their way when this terrible and unlooked-for calamity befel them. At Ogden, on the Union Pacific Railway, the Countess was attacked with bilious fever, but was not so seriously affected as to delay the journey or even to render the services of a physician necessary. Yesterday morning, however, her symptoms rapidly grew worse, and medical attendance was from time to time summoned by telegraph, until several skilled physicians were collected at her side. Everything was done for her relief, but without avail, as she sank rapidly and died about 9 o'clock in the afternoon. The intelligence was at once telegraphed here to H. B. Ledyard, Assistant Superintendent of the road, who had an undertaker and a hearse in readiness at the depot when the train arrived. The body was handsomely incased and removed to the Sherman House, whence the husband will accompany it this morning to New York, where it will be interred. The Count is quite prostrated by the terrible blow. The deceased had been married less than four years, and was only 23 years of age. Her amiability and accomplishments won the affectionate regard of all who knew her, and will make her untimely death keenly felt and widely mourned.

THE VIENNESE LADIES.—A correspondent closing a notice of life in Vienna expresses his deep admiration of the Viennese girls. "In fact, under twenty-five there are no ugly ones; while for every third young lady one meets one's heart jumps down into one's boots. They are mostly fair, with the clearest of complexions, beautiful hair and killing eyes; and the same remarks apply equally to the servants. I have been in many capitals, but I was never so completely prostrated by appearances as I am here."

The Griffin News says: Some of our farming friends tell us that they had to plow up and replant their crop of cotton, and that they now have a beautiful stand. This crop has come out wonderfully within the past few days, and with favorable seasons, we shall have a very large crop this year, and get about twelve cents for it next season.

Miscellaneous.

Edwin Booth had to promise dead-head tickets to eighteen aldermen before he could get a license to play at Jackson, Michigan.

Musquitoes are very lively in Louisville, and the people are sorry for the harsh things they sang and said about the beautiful snow.

Massachusetts priests hate the religious journals in the country.

The library of Congress has twice doubled within twelve years, and now numbers 250,000 volumes.

The total number of newspapers published in Paris during the past year was seven hundred and eighty.

CHECKS ON DISHONEST CLERKS.—A New York letter says: I wonder that business houses, including banks, do not learn something about the proper method of managing their affairs from the way in which the dry goods millionaire, A. T. Stewart, manages the most gigantic mercantile establishment in this country. There is hardly such a thing as the least fraud ever known in the vast and complicated machinery of Stewart's business, though it involves more capital and heavier moneyed transactions than any ten, or probably any twenty, banks in New York.

The reason is that Stewart has things so systematized that dishonesty of any kind on the part of any of his employees, clerks or agents, is practically impossible. There are checks, counter checks and reduplicated checks on every transaction in his establishment. Neither cash-boy, salesman, cashier, departmental manager or head manager could wrong the business out of a cent if he were to try. It seems to me that if banks were managed on this system, and if directors, presidents, cashiers and clerks were subjected to such rigorous regulations as Stewart imposes on himself and others, there would be fewer of these bank frauds and failures.

VALUE OF TROTTING HORSES.—The calendar for 1873 has not yet been made up, says a magazine writer, but will show an increase upon that of 1871. It shows that in 1871 there were 1,576 trotting and pacing races in the United States, representing over a million dollars in premiums and purses, besides the great value of the horses. The horses would average $1,000 each, and not less than three to each race, which would be $4,728,000, say $5,000,000 in horses alone, who have actually trotted in the several contests during that year. From this and other reliable data, we calculate the value of those in training and exercising, but not contending in races, and those in the breeding studs, all united, would amount to not less than $18,000,000, being that sum invested in this country in trotting and pacing horses alone.

BY TELEGRAPH

TO THE ATLANTA CONSTITUTION.

The Ohio Republican Convention.

Noyes and Hart Nominated for Governor and Lieutenant Governor.

The Modocs Gradually Withdrawing.

INTERESTING FOREIGN NEWS.

NEW YORK.

TRAIN.

NEW YORK, May 22.—The Supreme Court has refused to interfere in the Train case. An examination can take place any time before his confinement in the Insane Asylum at Utica.

CALIFORNIA.

MODOCS ON THE TRAIL.

SAN FRANCISCO, May 22.—Dispatches state that the Modocs are going towards the Pitt River country. The trails through that section show that the Modoc and Pitt River Indians have been in constant communication. The Pitts are now with Captain Jack. The Pitutes are also out of their country, and it is said that much ammunition has been sold them, and that they have held several councils recently. Their position is threatening, and old Shavehead tells them they must fight or go to the reservation.

TENNESSEE.

CORRECTION.

MEMPHIS, May 22.—It was Morgan and not Butler that was killed on the boat yesterday. He was an entire stranger to Cannon. Cannon threatened to kill the clerk of the boat. As he was moving down the cabin Cannon said to Morgan, "you are a damned fraud, Morgan." "You are a cussed liar," replied Morgan, when Cannon put a pistol to Morgan's head, killed him and escaped.

OHIO.

CINCINNATI, May 23.—Captain Stein, of the steamer Kilgore, denies the reported cholera deaths on his boat coming up the river.

COLUMBUS, May 22.—The Republican convention nominated Noyes for Governor and Hart for Lieutenant Governor. The platform is mostly a recapitulation. The industry of the country showed that we have the cheapest and best transportation; demands pure official conduct; punishment of unfaithful officers; denounces the Credit Mobilier; increase of salaries condemned as unwise; and favors the shortening of the probitionary term to citizenship.

PENNSYLVANIA.

SAILED.

PHILADELPHIA, May 22.—The new steamship Pennsylvania sailed on her first trip to Liverpool, swarming with 56 cabin and 64 steerage passengers and a full cargo. A salute of 50 guns was fired from the wharf to commemorate the event.

ARKANSAS.

ADJOURNS SINE DIE.

LITTLE ROCK, May 22.—The Assembly appointed an Executive Committee for the current year, adopted rules for the guidance of the trustees, and adjourned *sine die.*

MEXICO.

THE MEXICAN CONGRESS.

CITY OF MEXICO, May 22.—Congress adjourns in a fortnight to September.

The act allowing religious manifestations outside of churches has been repealed.

Nothing has been done in railroad matters.

A REBELLION

in the town of Juchitan, in Tehuantepec, resulted in the killing of thirty and many wounded.

SPAIN.

BARCELONA, May 22.—Later from San Apoja states that twenty who surrendered were butchered. The fate of forty others is unknown, but are believed to have been killed. The atrocities of the insurgents caused intense excitement here. The militia demand that the insurgent prisoners held here be given them for butchery. The authorities refused to surrender them. They have been transferred from the fort to vessels in the harbor for safety.

It is probable that a number of well known Carlists will be arrested and held as hostages. A levy en masse is expected to act against the Carlists.

Financial and Commercial

Telegraphic Markets.

NEW YORK, May 22—Cotton quiet; middling uplands 19½; Orleans 19½; sales 418 bales.

Sales of cotton for future delivery opened as follows: May, 18 9-16a18½. June, 18 11-16. July, 19 15-32a19. August, 19 11-16 a19½. September, 17½. November, 17½.

Flour dull and unchanged. Wheat quiet and heavy; No. 3 Milwaukee $1 65. Corn dull and unchanged. Pork dull and in buyers' favor——new mess $17 in round lots. Lard dull——western steam 9a9 1-16. Turpentine quiet at 45½. Rosin quiet at $3 a3 50 for strained. Freights firm.

Money firm at 6a7. Gold firm at 17¼a 17½. Governments dull but steady. State bonds dull and steady.

Arrived—Jamaica.

LONDON, May 22—Consols 93¾. Fives 89 1-8.

LIVERPOOL, May 22—noon.—Cotton opened steady; uplands 8 7-8; Orleans 9 1-8.

LATER.—Cotton firmer but not higher; sales 12,000 bales; speculation and export 3,000. New Orleans shipments, April or May, 9; deliverable June or July, 9; Savannah or Charleston, deliverable June or July, 9.

Breadstuffs quiet. Beef 87s 6d. Lard 39s 9d. Pork 66s.

Atlanta Wholesale Price Current.

[CORRECTED DAILY.]

CONSTITUTION OFFICE, ATLANTA, May 22, 3 o'clock, P. M.

Cotton steady and unchanged at 16a16¼.

Exchange—Buying at par, selling at ¼ premium.

Money at 1a1½ per cent.

Gold—Buying at 1 16; selling at 1 18.

Silver—Buying 1 09, selling 1 13.

Flour.—Fine $6; superfine $7 50a7 75; extra 9 50a9 75; double extra 9 50; extra family 10 00a10 25; fancy 11.

Corn Meal—83a85.

Wheat—We quote Red $1.70 to 1.85; white 1.85 to 1 90.

Corn—Choice white 82½a83, in store, and 83 at depot, on arrival for medium; mixed 80.

Bulk meat—shoulders 8½; C. R. sides 10½; clear sides 10½, hams 12a12½.

Bacon—S. C. hams 15½a16; plain country 12½a14; small lots arriving and demand good, shoulders 9a9½; clear rib sides 11½a11¾; clear sides 11½.

Lard—Tierces 10½; cans, buckets and kegs 11½.

Eggs—We quote from wagons 17.

Chickens 42c by the quantity. Butter 30a 35c. Spring chickens 20c a40c.

Sugars—Crushed 12½; granulated and powdered 12¼; Demarara 11 1-8a12 1-2; standard A 12¼; extra C 12 1-4; yellow C 12; brown 10¼a11 1-2.

Salt—Liverpool $2 25a2 30; Virginia $2.

Molasses—Hogsheads 27; barrels 32; New Orleans syrup 75a80.

Candles—Full weights, stiff, 21.

Coffee—Java 27a30; Mocs 22a25; Rio 23½a 25.

Tallow 8a8 1-2; beeswax 28.

Bonds and Stocks—Georgia 6s, 72a74; 7s, 85a88; new Georgia bonds at the State Treasury, 8 per cent. nontaxable, $61. Atlanta city bonds, 7s 70 a72, 8s, 90a92. Augusta, 83a85. Georgia Railroad stock, 95a97; Georgia Rail Road bonds, 93a95. Atlanta and West Point Railroad stock, 83a86; Atlanta and West Point Railroad bonds, 94a96. Macon and Western Railroad stock, 90a92. Rome city 7s, 68a72 Savannah, 85.

New Vegetables—Strawberries 35 per quart. New Irish potatoes 15 per quart. Beets 15a20. Onions 10a15. Cabbage per head 25a50. Carrots per bunch 10a15. Turnips 12½a15. Radishes 10. Lettuce 5a10. Soup stuff 10. Cucumbers 10a15. Green Peas 40 per peck. Snap Beans 15 per quart; 2 for 25. Peas—Mixed $1 20a1 25; clay $1 45a1 50; white 1 25.

Tanners & Leather Dealers

ATTENTION!

The Reason Why

PETERS'
PATENT
TANNING
PROCESS
—IS—
SUPERIOR TO ALL OTHERS!

First. Because it performs the operation of Tanning and Finishing Leather in from TWO TO FIFTEEN DAYS for Kips and lighter Skins; and from Fifteen to Thirty Days for Bridle and Heavy Harness, leaving it free from chemicals.

Second. Because while it dispenses with the use of bark, and reduces the expenses of Tanning at less fifty per cent., it may be used in combination with bark, tanx extract, or Japonica, and when so used is nearly or extremely rapid.

Third. Because of the superior beauty, strength and durability of the Leather; a sheep skin having body and strength equal to Calf tanned by the "Old Process."

Fourth. Because of the superior flexibility and softness of the Leather.

Fifth. Because it requires but a few dollars capital to start the business.

Sixth. Because you can turn your money twelve or fifteen times a year, instead of once, the old way.

Seventh. Because it is so simple that any person can make Superior Leather by giving the process a few days' attention.

Eighth. Because of its cleanliness and freedom from offensive odors, as compared with the old process, rendering the business admissible in the midst of mercantile or other departments of the trade.

Ninth. Because more money can be made in a shorter time and on less capital than in any other business.

COUNTY AND FAMILY RIGHTS.

☞ I have County and Family Rights for sale in the following counties. The practical utility of this process has been demonstrated beyond a doubt, and I am satisfied that it will

Do Everything It Claims.

Counties of Lumpkin, Campbell and Fulton, where I am now operating at Tuscany, can be seen at my office. These Rights are be ing

Sold at Very Low Figures.

☞ The following Testimonials are from gentlemen of high standing in the city where the Peterses lived:

SAINT JAMES, MO., April 9, 1873.

J. F. Weiman, Esq.—DEAR SIR: In reply to your inquiry, I would state that my opinion of PETERS' EUREKA TANNING PROCESS does not differ from the fact that I am now wearing a pair of boots the leather of which was tanned by that process. Before the same was perfected and a patent obtained, that the said boots have now been in use for the period of three years, and are the most pliable and easy to the foot of any boot I ever wore, and are in a good state of preservation yet.

S. M. HUMPHREYS.

The undersigned take pleasure in adding their knowledge of the merits of the Leather, and the improved condition and great superiority of the leather tanned by the Eureka Tanning Process.

Jacob Brass, M.D.
A. Bonny, Banker.
J. Talbot, Merchant.
Wm. Bryan, M.D.
Wm. Thrasher, Merchant.
J. R. Bowman, Co. Judge.
Wm. Dawson, Merchant.

ED. HOLLAND, Agent,
Alabama Street,
OPPOSITE OFFICE.
—OF THE—
HERALD BUSINESS OFFICE.
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GETTYSBURG
KATALYSINE WATER.

THE United States Dispensatory, the authorized record of our Materia Medica, classes this water with the most renowned Alkaline or Carbonated Springs of Europe. Ether exists in no other known in Heaven in its self-generating composition. It has now been claimed for any other Mineral water the power to dissolve the stone or gravel, and expel foreign matter in the body or on the flesh and joints. This the Gettysburg Katalysine Water has done in hundreds of instances. Gout, Rheumatism, Neuralgia, Dyspepsia, Gravel, Diabetes, Kidney and Urinary Diseases generally, have all yielded to its influence. It has restored Muscular Power to the Paralytic, cured Abdominal Dropsy, and given to many sufferers the Torpid Liver, in his second Chronic Diarrhœa, Piles, Constipation, Asthma, Catarrh, Diseases of the Eye, General Debility, Nervous Prostration from Mental and Physical Exhaustion. All these by the bottled water. It is a powerful antidote for Excessive Eating and Drinking. It corrects the Stomach, promotes Digestion. It is a perfect Blood almost immediately. Pamphlets containing a history of the Springs, reports from eminent physicians and medical writers, marvelous and well attested cures, and for testimonials from distinguished citizens, will be furnished and sent by mail on application to

WHITNEY BRO'S, Gen'l Ag'ts,
227 S. 4th Front St., Philadelphia, Pa.
For sale by HEARD, CRAIG & CO., and Druggists generally. apr16-deod3m

ANCHOR LINE STEAMERS
Sail from Pier 20, North River, New York,
EVERY WEDNESDAY AND SATURDAY.

The passenger accommodations on Steamers of this line are unsurpassed for elegance and comfort. Cabin State rooms are all on upper deck, thus securing good light and ventilation.

RATES OF PASSAGE TO
GLASGOW, LIVERPOOL OR LONDONDERRY.
Sat steamer. Wed steamer.
Gold Currency.
Cabins ..... $75 and $65. $75 and $65
Cabin return tickets
carrying best accommodation ..... $130 ..... $120
Steerage, currency, $30.

Certificates for passage from any seaport or railway station in Great Britain, Ireland or the Continent at RATES AS LOW AS BY ANY OTHER FIRST-CLASS LINE.

For passage apply to
HENDERSON BROTHERS, 7 Fowling Green, N. Y.
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may9-6-eod-3m Atlanta.

TAKE SIMMONS' LIVER REGULATOR

For over FORTY YEARS this
PURELY VEGETABLE
LIVER MEDICINE HAS PROVED TO BE THE
GREAT UNFAILING SPECIFIC
for LIVER COMPLAINT and its painful offspring, DYSPEPSIA, CONSTIPATION, Jaundice, Bilious attacks, SICK HEADACHE, Colic, Depression of Spirits, SOUR STOMACH, Heartburn, CHILLS AND FEVER, etc., etc.

After years of careful experiments, to meet a great and urgent demand, we now produce from our original Genuine powders

The Prepared.

a Liquid form of SIMMON'S LIVER REGULATOR, containing all its wonderful and valuable properties, and offer it in

ONE DOLLAR BOTTLES.

The Powders, (price as before,)..... $1 00 per package. Sent by mail..... 1 04

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Buy no Powders or Prepared Simmon's Liver Regulator unless in our engraved wrapper, with Trade mark, Stamp and signature unbroken. None other is genuine.

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MACON, GA., AND PHILADELPHIA.
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INKS SOUTHWARK CO.'S English Writing Ink writes Black and never fades. Sole Agents for the United States SCHENCK TAG CO. 55 Beekman Street, New York. mar. 7-d1f

LIBRARY GIFT CONCERT.

90 DAYS' POSTPONEMENT.

A Full Drawing Certain.

$500,000 in Bank to Pay Gifts.

10,000 Cash Gifts Paid in Full.

$100,000 for only $10.

ENOUGH of the 100,000 tickets issued for the THIRD GRAND GIFT CONCERT, in aid of the Public Library of Kentucky, having been sold to insure a full drawing, and the wish having been universally expressed that the $10,000 cash gifts offered should be drawn in full and paid in full without any scaling down, as heretofore, the management, with the concurrence of the trustees, have determined to allow ninety days more for the sale of the remnant of tickets left on hand. The concert and distribution advertised for April 8 is therefore postponed to Tuesday, July 8, 1873, on which day, and no other, they will positively and unequivocally take place in Public Library Hall, Louisville, Ky.

At this grand concert the following cash gifts will be distributed by lot and paid in full to the ticket-holders who draw them:

LIST OF GIFTS.

One Grand Cash Gift			$100,000
"	"	"	50,000
"	"	"	25,000
"	"	"	20,000
"	"	"	10,000
4	"	"	5,000
24 Cash Gifts of	$1,000	each	24,000
50 "	"	"	25,000
80 "	"	"	32,000
100 "	"	"	30,000
150 "	"	"	30,000
500 "	"	"	50,000
9,000 "	"	"	90,000
Total, 10,000 Gifts all Cash			$500,000

The money to pay all these gifts in full is now upon deposit in the Farmers' and Drovers' Bank of Louisville, and set aside for that purpose, and can only be used for that purpose, as will be seen by the following certificate of the Cashier:

OFFICE OF FARMERS' AND DROVERS' BANK, LOUISVILLE, KY., April 7, 1873.

This is to certify that there is in the Farmers' and Drovers' Bank to the credit of the Third Grand Gift Concert, for the benefit of the Public Library of Kentucky, five hundred thousand dollars, which has been set apart by the managers to pay the gifts in full, and will be held by the Bank and paid out for this purpose, and this purpose only.

R. S. VEECH, Cashier.

The party, therefore, who holds the ticket drawing the capital gift will get $100,000 in greenbacks, and so of the $50,000 gift, the $25,000, the $20,000, the $10,000, the $5,000, and all the other gifts, 10,000 in number, amounting to $500,000.

The remnant of unsold tickets will be furnished to those who first apply (orders accompanied by the money always having the preference over agents) at the following rates: Whole tickets $10; halves, $5; quarters, $2 50; 11 whole tickets for $100; 55 for $500, 122 for $1,000 and 999 for $9,000. No discount from these rates to agents. Send money by express at our risk.

The consent and distribution of gifts will begin at 9 o'clock, on Tuesday morning, July 8, in Public Library hall, and the drawing will be the order of business until it is finished. Music by Caldwell's Band. Reading of the rules for each ticket sold: to begin when 50 Reading of gifts in small sums. 4th. Music by orchestral band. 5th. Examination of tickets by the President. 6th. Drawing of first half of gifts. 7th. Music by orchestral band. 8th. Drawing of last half of gifts. 9th. Reading of names of those who may be lucky enough to draw the capital prizes. 10th. Grand orchestral concert.

The managers think the grand concert will be the best that ever took place in the world. The people will be present and the ladies and gents will keep the record of the drawing. There will be no humbug, but a square and honest transparently calmness of the times. All will be conducted so as to be a perfect guarantee against fraud or favoritism.

The payment of gifts will begin on Saturday, July 12th, at 9 o'clock A. M. Parties drawing gifts must be present at room No. 4, Public Library building, Louisville, Ky., to receive their gifts, or send their order upon the Fourth National Bank of New York, at the option of the holder. Gifts will be paid in the order in which they are called for by number at the drawing. All gifts not called for in ninety days after the drawing, will be turned over to the Public Library fund.

For full particulars send for circulars.

THOMAS E. BRAMLETTE,
Agent Public Library of Kentucky.
Phillips & Crew, and Revnes & Hay, Agents, Atlanta, Georgia.
apr13-2 Mon and Thu and wow2m

EXCHANGE HOTEL,
BY WILLIAM J. GILBERT,
(Late the Court House and Depot)
GAINESVILLE, ... ALABAMA.

Guests will find everything new and good. Baggage delivered free to and from the depot. Polite attendants. Terms reasonable. apr16-d1f

Atlanta & New Orleans Short Line
By the Way of West Point, Georgia, and Montgomery, Alabama.

ON AND AFTER March 1, 1873, double daily passenger trains will run on this line as follows:

STATIONS.	FIRST TRAIN. Leaves	Arrives
Atlanta	1:15 P. M.	
Montgomery	10:15 A. M.	10:15 A. M.
Mobile	10:00 P. M.	9:55 P. M.
New Orleans		6:45 A. M.

STATIONS.	SECOND TRAIN. Leaves	Arrives
Atlanta	7:00 A. M.	
Montgomery	6:00 P. M.	7:00 P. M.
Mobile	8:00 A. M.	8:55 A. M.
New Orleans		8:55 P. M.

Passengers going South and Southwest, will find this line One Hundred and Sixty-Two (162) miles shorter and 13 hours quicker to New Orleans and all points in Texas, than any other. Forty-six miles shorter to Vicksburg and all points in Central and Southern Alabama, Mississippi, Louisiana and Texas.

The only line running Pullman Palace Sleeping Cars through from Atlanta to New Orleans without change.

☞ Through tickets to all points. Baggage checks by the way of West Point and Montgomery.

L. P. GRANT,
Superintendent Atlanta and West Point Railroad.
G. J. FOSTER,
Superintendent Western Railroad of Alabama.
H. JORDAN,
General Ticket Agent, Montgomery Railroad.
W. J. HOUSTON,
General Passenger Agent, Georgia Railroad.
may9-3m

South Carolina Railroad

ON and after Sunday, 20th instant, the following Schedule will be run on the South Carolina Railroad:

DAY PASSENGER TRAIN.

Leave Charleston	9:30 A. M.
Arrive at Augusta	6:00 P. M.
Leave Augusta	1:30 A. M.
Arrive at Charleston	6:00 P. M.

NIGHT EXPRESS TRAIN.

Leaves Charleston	8:35 P. M.
Arrives at Augusta	7:25 A. M.
Leaves Augusta	6:15 P. M.
Arrives at Charleston	5:10 A. M.

Between Charleston and Columbia

DAY PASSENGER TRAIN.

Leaves Augusta	9:00 A. M.
Arrives at Columbia	2:30 P. M.
Leaves Columbia	6:00 A. M.
Arrives at Augusta	5:30 P. M.

NIGHT EXPRESS TRAIN.

Leaves Augusta	6:15 P. M.
Arrives at Columbia	6:50 A. M.
Leaves Columbia	7:20 P. M.
Arrives at Augusta	7:55 A. M.

Day and night trains connect at Augusta with the Georgia Railroad and Central Railroad.

Night train connects with Macon and Augusta Railroad.

Night train out of Augusta makes close connection at Columbia with Greenville and Columbia Railroad. Passengers for points on the Greenville and Columbia Railroad will avoid a tedious delay at night in Columbia, by taking this route.

Elegant new sleeping cars on night trains between Augusta and Charleston.

S. B. PICKENS, General Ticket Agent.
jan8-tf

REDUCTION IN BOARD

During the Summer Months.

Mrs. Overby

WILL FURNISH BOARD at reduced rates,

Breakfast from 7 to 8. Dinner from 1 to 2 o'clock.

Travelers and transient persons accommodated with Board and lodging.

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may18-d1f1w1st

To the Merchants of Atlanta

THE ATLANTIC AND GULF
FREIGHT LINE,
VIA SAVANNAH.

BEG leave to announce to their friends and patrons that their rates and classifications shall always be as low as by competing Lines, and any "Special Circulars" or "Letters" issued by other routes, giving lower rates than at present advised, will be promptly met by corresponding reductions on the Atlantic and Gulf Freight Line.

Merchants visiting New York will consult their interest by calling on C. D. OWENS, the General Agent of the Line, 320 Broadway, before making Freight engagements elsewhere.

July24—3mdly

G. & S. SALOSHIN
Brokers and Bankers.

LOANS NEGOTIATED AT LIBERAL TERMS

No. 13 Peachtree Street, 3 doors north of Nations Hotel, Atlanta, Ga. apr11-d6m

SOUTHERN
TERRA COTTA WORKS.

THE Undersigned have their works in full operation and are now prepared to receive orders for all kinds of Terra Cotta Works, such as Window Caps, Rustics, Caps for Columns, such as Brackets, Medallions, and everything in the Architectural line. Also, Chimney Tops, Vases, Flower Pots, Statuary, etc., etc.

Manufacturers of

SEWER PIPE

from 3 inches to 30 inches in diameter. Also, interior decoration, such as

Centre Pieces, Cornice, etc.

We will guarantee all the work that we undertake to execute to give satisfaction.

may23—d1y PELLEGRINI & GIORGI.

NOTICE.

DR. B. J. HEAD offers his professional services to the citizens of Atlanta. Having an experience of over a quarter of a century, in the various branches of his profession, he hopes to give satisfaction. Residence and office, Forsyth street, next Seago's store. may23—d3t

BENTLEY'S
ST. NICHOLAS
SHAVING AND BATHING EMPORIUM.

HOT AND COLD BATHS. Bathing Rooms open from 5 A. M. to 11 P. M. Polite and Experienced Barbers always in attendance. Under Concert Hall, Marietta street. may18-d1w

E. E. MAHER,
Wholesale Liquor Dealer,

KEEPS constantly on hand the Choicest Brands of Foreign and Domestic LIQUORS.

No. 31 MITCHELL STREET.

Country and City Retail Dealers would do well to examine his stock before purchasing elsewhere.

apr21-d1y

POSTPONEMENT.

THE SALE of the LUCRIS PROPERTY has been postponed ONE WEEK—to THURSDAY AFTERNOON, May 29th.

PLATS AT OUR OFFICE.

may16—sat wednesday WALLACE & DOWLER.

THE COUCHE HOUSE,
HENDERSONVILLE, GEORGIA,
T. R. COUCHE, ... Proprietor.

THE Proprietor of this establishment wishes to especially inform the traveling public that the House has been thoroughly refitted and refurnished, and now presents a neat appearance, and is prepared to accommodate guests in a manner not surpassed by any house in the country. The table will be supplied with the best the market affords, and the rooms will be kept in order. Polite attendants will be in waiting. Terms reasonable. Special rates to families. Hack will meet all trains. Address as above. may18-d1m

EXCHANGE HOTEL,
MACON, GEORGIA.

THIS HOUSE has been refitted and refurnished throughout, and is now open for the reception of guests. Terms reasonable. Polite attendants. Hack will meet all trains. Address

may18-d1m JOHN T. GRANT, Proprietor.

Bargains, Bargains

GEORGE E. WARD & CO.,
The People's Clothiers, No. 7, Marietta Street,

ARE DETERMINED TO SELL GOODS TO SUIT ALL POCKETS.

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THE DAILY CONSTITUTION

OFFICIAL JOURNAL OF STATE, COUNTY AND CITY.

The Largest City, County and State Circulation.

DEFIES REFUTATION

To Lawyers.—A full report of the decisions of the Supreme Court is furnished to THE CONSTITUTION by the Reporter of the Court.

To Correspondents.—We do not read anonymous communications. The name and address of the writer are indispensable. Rejected communications cannot be returned, whether in whole or part.

ATLANTA:

FRIDAY, MAY 23, 1873.

An Original Story by Mrs. Westmoreland.

In our Sunday's edition we will begin the publication of a most beautiful new story by Mrs Maria J. Westmoreland, to run through several numbers.

The River Reports.

Old Probability's sphere is widening. He has conquered the mysteries of the weather so thoroughly, bringing so large a percentage of the winds and storms into subjection, and defining their bounds and degrees of intensity hours and hours before their appearance, that the navigable rivers of the country have been placed in his charge. We are to have hereafter daily river reports. The aids of Gen. Myers in this branch of the signal service will be civilians; and they will be stationed at the following points: Andalusia, Illinois; Booneville, Brownsville, Brunswick, Cairo, Cincinnati, Confluence, Davenport, Evansville, Fort Benton, Fort Smith, Fort Sully, Freeport, Grafton, Illinois; Hermann, Missouri; Jefferson, Missouri; Kansas City, Keokuk, Leavenworth, Lexington, Little Rock, Louisville, Marietta, Memphis, Nashville, New Geneva, New Orleans, Oil City, Omaha, Pittsburg, Shreveport, St. Joseph, St. Louis, St. Paul, and Vicksburg.

The usual river reports, derived from boatmen and other interested parties, have lacked the essential element of reliability. False reports were often made to delay shipments, and sometimes to hasten them off to a detention on the shoals; and the party who gave the information would turn his guilty knowledge into commercial gain.

A gauge will be planted in the river, bank, at each station above named, of pine or oak timber, ten inches wide and long enough to cover the whole range between extreme low and extreme high water—the extreme standard of 1867 being the low water-mark. The gauge will be graduated in feet and inches. When the rise or fall is a gradual one, observation will be made at 3 o'clock p. m. from May 1 to July 31, and from October 1 to November 30 of each year; but when the change is sudden and extraordinary in its character, reports will be made every three hours until the river resumes its normal condition.

Twenty-five thousand dollars have been taken thus far from the weather signal appropriation for the river report system, which Congress is expected to indorse. General Myer says that if Congress will give him $100,000 a year to prosecute the work, he will furnish all the cities with daily reports of the condition of every navigable river in the land—thereby saving many of them from being visited by unexpected deluges. Early news of a coming flood, or break of an ice gorge, would often enable a single town to put beyond the reach of the destructive element more property in amount than "Old Prob" asks to support the system through an entire year.

We second General Myer's motion. We are disinterested parties, too, for there is no passing sail of a station along Atlantian waters. From our elevated stand point we feel for our friends in the lowlands; and if they will not move up to our commanding city and be safe and happy, we will at least say a word in favor of the effort to save them from the perennial disasters of their unfortunate locations.

University of Georgia.

From an examination of the late catalogue of the State University, it is gratifying to see its prosperity. The total number of students in attendance is 312, of whom 151 are in the State College, and 16 in the Law School. Of the total number, 291 are from Georgia. The departments of the College, as now organized, are: The Academic Department, State College Department and Law Department. There are separate schools in the Academic Department, which offer systematic courses of education of different types of culture. The State College Department embraces agriculture, engineering and chemistry.

The department of Agriculture is in practical application is under the charge of Dr. Pendleton. The Professor delivers a course of lectures to all the students attending the State College of Agriculture and the Mechanic Arts. The lectures embrace a wide field in the collateral sciences upon which agriculture depends. The experimental farm is under his immediate supervision and direction. A number of experiments will be made in growing corn, cotton, wheat, oats, peas, millet, clover, etc., with a view to decide many questions of practical and scientific interest. Although straightened for means there having been thus far only $5,000 expended in this department, we doubt not that much good will result from the experiments on the farm both to the pupils and the cause of agriculture generally.

In the department of Applied Chemistry a number of students are now engaged. They work daily in the laboratory from fourer to six hours.

The city of Athens very generously appropriated $35,000 in bonds to erect a fine laboratory. With this building and the apparatus it is proposed to purchase, the University will be in a condition to present superior advantages to the young men of the South.

In examining into the condition of the University, it is very evident that no college in the country has accomplished so much with such small means as it controls.

The course in the University embraces a curriculum of study which gives to those who would be eminent in agriculture or mechanics, the same advantages as are bestowed on other liberal pursuits and professions.

We take pride in our University. May it continue to prosper, and may it yearly send forth a fresh body of her sons, from the discipline of education to the struggles of active life, repaying her cares by beautifying the borders of our State by an improved agriculture, by becoming fathers of our civil liberties, founders of our State institutions, and teachers of our civil wisdom.

GRASSHOPPERS.—Grasshoppers are in the country by the millions, and are playing sad havoc with vegetation. In many instances they have entirely destroyed the growing corn, crowding all of the stalks in the tomato house to the last thing they eat. They will doubtless make a tour throughout Missouri, Illinois, Kansas and Nebraska.

"It is not generally known," remarks the Washington Star, "that Mr. Chase was the last of his line. Although he had six or seven children, some of them had male issue, and all died before the Chief Justice. And as he died leaving no kin, it follows that the line and name of Chase, so far as his father's immediate issue of the family is concerned, became extinct with his death."

Card from Mr. Radcliffe.

ATLANTA, May 22, 1873.

Editors Constitution: In the report of the vote as taken in the majority report of the business committee in the session of the convention on Wednesday, the State of Massachusetts is recorded as voting yea. That there were inexplicable actions and occurrences developed during the session of that convention, I am prepared for one to testify to, but none exceed the one referred to, that of Massachusetts voting in favor of a majority report, when that State had labored in the formation of a minority report. Whatever flagrant inconsistencies are exhibited in the majority report in its garble of language, these are only exceeded by the action that of the State of Massachusetts as an indorsement to the same, when the delegate, who had the honor to represent that section, was largely instrumental in originating the minority report. The representation of the State of New York needs an explanation, but the action of Massachusetts as the majority report shall come from the delegate himself.

I will explain, therefore, that the minority report having been tabled and our object being defeated, I left the hall, when the vote was called on the majority report, out of compliment to my opponents, whom I desired should understand that I acknowledged the cause lost. I therefore left the convention without voting, gracefully (as I thought) acknowledging defeat.

Requesting you to publish this in order to set Massachusetts right in this matter,

I am, dear sir, fraternally yours,

HERSCHEL RADCLIFFE,

Secretary Massachusetts State Branch American Cheap Transportation Association.

A LITTLE TILT BETWEEN A MISSISSIPPI OFFICIAL AND EDITOR.—A few weeks ago the Riverton (Bolivar county, Miss.) Record printed a paragraph to the effect that the Clerk of the Chancery Court of that county had been worsted in a little row on a steamboat. This drew from the Clerk the following, printed in another county paper, the Floreyville Star:

"*Editor Star:* In the last issue of The Riverton Record one of the dirty editors of that interesting sheet makes an attempt to take fun at the Chancery Clerk in a manner characteristic of his heretofore established reputation for meanness and prevarication. I take this method to inform him that if he continues his little jokes, I will, in all probability, be under the necessity of placing a No. 7 boot where it will do the most good.

"H. T. FLOREY."

And now comes the Record with a column, asking "that handsome Chancery Clerk" to pitch in. This looks like business.

DECISIONS.

OF THE

SUPREME COURT OF GEORGIA.

Delivered at Atlanta, May 21, 1873.

REPORTED EXPRESSLY FOR THE CONSTITUTION BY

BENJ. JACKSON, SUPREME COURT REPORTER.

J. C. Roper vs. Peter C. Harris. Complaint from Polk.

WARNER C. J.

This was an action brought by the plaintiff against the defendant to recover the one-fifth part of the rent of a plantation in Alabama, which the plaintiff alleged the defendant had received for the year 1866, the plaintiff and defendant being the heirs, with others, of Andrew F. Woolly, deceased. The plantation, for which it is alleged the defendant received the rent for 1866, was the property of Woolly at the time of his death in 1865. The plaintiff testified at the trial, that the defendant had received the rents of the plantation for 1866, and had kept the same, and proved the value thereof, and also stated that he had paid his private share of the taxes on the land for that year. The defendant proved by two or three of the other parties interested in the lands as the heirs of Woolly that in October or November, 1865, Woolly before his death made a contract with the defendant that if he would pay the tax on the land for the year 1866, he should have all the rents and profits of the land for the year. The defendant testified that he instructed his agent in Alabama, Breedlove, to pay the taxes on the plantation for him for the year 1866, and he had him charged with $100.0 as taxes paid on it for that year. A. F. Woolly, Jr., the son of the defendant, testified that he did not know that the defendant had paid the taxes as he had agreed to do, and he paid them for 1866, took a receipt and charged the same to the plaintiff and the other heirs, supposing he was paying them for defendant under his agreement with A. F. Woolley, deceased. The jury, under the charge of the Court, found a verdict for the defendant. The plaintiff made a motion for a new trial on the grounds specified therein, which was overruled, and the plaintiff excepted. It this contract for the rent of the plantation, made in November, 1865, for the year 1866, is within the statute of frauds, still there was such a part performance of it as will take it out of the operation of the statute. The defendant went into the possession of the plantation under the contract, and cultivated it either by himself or tenants, for the year 1866, in pursuance of the contract made with the deceased. He could not have repudiated it at the end of the year, had he been in life, and his heirs at law who acquiesced in the defendant's possession of the plantation under that contract during the year 1863, cannot do so, they are bound by the contract of their ancestor. If the plaintiff has paid his pro rata share of the taxes to A. F. Woolley, Jr., which the defendant was bound to pay for the rent of the plantation, he can recover that amount from the party to whom he paid it. If A. F. Woolley, Jr., paid the taxes for the defendant as he states he supposed he was doing, he had no legal right to charge any part thereof to the plaintiff. The defendant was bound to pay the taxes on the land for 1866, under his contract, and if the heirs have paid it, they can compel him by suit to pay them, but cannot repudiate the contract and compel him to pay the proven value of the rent of the land, under the facts of this case, on the ground that the contract was void by the statute of frauds. The plain object of the plaintiff in repudiating the contract made between the defendant and old man Woolley, the deceased, is to enable him as one of his heirs, to recover from the defendant his share of the value of the rents and profits of the year 1866, in opposition to the wishes of the other heirs, but we cannot grant it in face of the evidence contained in the record. Let the judgment of the Court below be affirmed.

Wofford & Cox; Thos. W. Dodd; J. W. H. Underwood, for plaintiff in error.

No appearance for defendant.

R. B. Bullock, Governor, for use. vs. Levi P. May, et al. Complaint, from Floyd.

WARNER, C. J.

The plaintiff brought her action on a sheriff's bond against the sheriff and his securities. Pending the action the sheriff and one of the securities died. Before the case was submitted to the jury the death of the parties was suggested. The plaintiff's counsel then announced that he would proceed against the other parties on the bond alone. The defendant's counsel then demurred to the plaintiff's declaration on the ground that the securities on the sheriff's bond, were not liable according to the case made by the pleadings. The Court sustained the demurrer, and ordered the case dismissed as to the securities on the sheriff's bond, whereupon the plaintiff excepted. In our judgment the Court erred in dismissing the plaintiff's action in view of the provisions of the 3396th section of the Code.

Let the judgment of the Court below be reversed.

W. D. Elam, represented by T. W. Alexander, for plaintiff in error.

Underwood & Rowell, for defendants.

G. W. Nagle, administrator, vs. J. H. Lumpkin, Sheriff. Rule vs. sheriff, from Floyd.

WARNER, C. J.

The plaintiff recovered the Court for a rule against the sheriff, calling upon him to show cause why he should not pay the money due on a certain fi. fa. for $364 in favor of defendant. It appears from the facts disclosed in the record that the plaintiff had out two attachments against the property of the defendant. This attachments were levied on the property of the defendant, as appears by the answer of the sheriff, which was pointed out by the plaintiff's attorney. After the attachments had been levied, and while the property was in the possession of the plaintiff, the defendant replevied the same by giving bond and security for the payment of the plaintiff's fi. fa. according to the provisions of the 3396th section of the Code. After the sheriff declined to take the bonds, but the surety, who, the sheriff states, was a citizen of the State and perfectly responsible, and worth the amount of the bonds required, the sheriff then took the bonds and parted with the property to the defendant, and in so doing exception to the bonds at the return term of the attachments, but at the trial term thereof, took judgments against the principal and security for the amount of the bonds; fi. fas. were issued on the judgments, and placed in the sheriff's hands who made a return thereon that he had made frequent levies for the property in which levy he had not been able to find anything in this county on which to levy. The plaintiff did not traverse the sheriff's return. The Court upon the foregoing statement of facts refused to make the rule absolute against the sheriff for the money due the plaintiff, whereupon he excepted. The plaintiff had his action at law for the recovery against the sheriff if he was injured by his neglect of duty in failing to execute the process of the Court placed in his hands. First by an action on the case against him or to proceed against him by an attachment for contempt of Court. The plaintiff elected to pursue the latter remedy. In our judgment there was no error in the judgment of the Court below, in refusing to hold that the sheriff was liable to be attached for contempt of Court, and in refusing to make the rule absolute against him for the payment of the plaintiff's debt on the statement of facts disclosed in the record.

Let the judgment of the Court below be affirmed.

Alexander & Wright, for plaintiff in error.

Printup & Fouche, Underwood & Rowell, for defendant.

Johnson and Wife vs. Walker & Wright. New trial, from Bartow.

WARNER, J.

This was an action of ejectment brought by the plaintiff against the defendants, to recover the possession of lot of land number 124, in the fifth district of Cass county. The action was commenced on the 7th of January, 1858. This is the third time this case has been before this Court. On the last trial thereof, the jury found a virdict for the plaintiff. A motion was made for a new trial on the several grounds set forth therein, which was granted by the Court, and the plaintiff excepted. It appears from the evidence in the record, that Harriet Taff, as the orphan of William B. Taff, drew the lot of land in dispute, which was granted to her by the State, on the 28th of January, 1833; that on the 14th of March, 1834, a *scire facias* was issued in the name of the Governor, on the information of one Kirkpatrick, alleging that said draw in the land lottery was fraudulent on the ground, that the said Harriet Taff had not resided in the State of Georgia three years immediately proceeding the 1st day of January, 1832, and did not reside in said State on the 31st day of December, 1830, and requiring her, the said Harriet Taff, to appear before the Superior Court of Cass county, and show cause why said return, and draw should not be adjudged fraudulent, and the grant to her of the lot by the State annulled. The entry on the back of the *scire facias* is as follows: "Served the defendant, Harriet Taff, by serving her guardian John W. Taff, with a copy of the within writ, August 27th, 1834. C. D. Hummingbay, Deputy Sheriff." On the trial of the *scire facias* the lot was condemned as fraudulent, judgment entered up to that effect, and the defendants in the present action derive their title to the lot of land under that judgment as purchasers thereof. The plaintiff offered in evidence the common law docket of 1834, showing the entry of default by defendant in *scire facias*, and also showing the entry of "John W. Taff, Guardian *ad litem*." John W. Hooper, who was the presiding Judge of the Court, testified, that the reason that John W. Taff was appointed guardian *ad litem*, was that Kirkpatrick, the informer, stated to the Court that John W. Taff was the guardian of Harriet, in the county in which she resided, but it did not appear that he was her guardian other than by the statement of Kirkpatrick the informer. John W. Taff was not present when appointed guardian *ad litem*, did not appear and witness never saw him, and has no knowledge of his acceptance of the appointment. William Ezzard testified that he was the attorney for Kirkpatrick, the informer, at the time of the *scire facias*; that John W. Taff was appointed guardian *ad litem* at the suggestion of Kirkpatrick; don't think he was present, and has no recollection of his appearance for Hancock, or of his acceptance of the trust, or that he had any notice of his appointment, and believes he did not accept. There was no defense made on the trial of the case; thinks service of the *scire facias* was made on Taff before he was appointed guardian *ad litem*. The plaintiff in error contends that Harriet was not entitled to a draw in the land lottery on the ground that she did not reside in the State. The evidence is full and satisfactory upon that point. One of the witnesses states that she raised Harriet; that she was never out of the State until she married. The Court charged the jury on the trial, amongst other things, that "the fact that Kirkpatrick, the informer, designated or suggested that John W. Taff was a suitable person to be, and should be, appointed guardian *ad litem*, and that Taff failed to appear and defend the case, were both strong circumstances of fraud; that it was not to be presumed that Kirkpatrick, the informer, who was seeking to condemn the draw as a fraudulent draw would designate a person as guardian *ad litem* who would honestly and fairly defend the case and protect the rights of the orphan. This charge of the Court was error according to the provisions of the 3143d section of the Code, and the repeated rulings of this Court, and we are constrained to affirm the judgment of the Court below in granting the new trial. In our judgment, this case was not fairly submitted to the jury by the Court below, in view of the facts disclosed in the record. The main controlling question in the case was, whether the Court which rendered the judgment on the *scire facias* condemning the land as having been fraudulently drawn, had jurisdiction of the person of Harriet Taff in the manner prescribed by law. If it had jurisdiction of the person and the subject matter in the manner prescribed by law, although the proceedings of the Court may have been irregular, the judgment would not be void; but if the Court did have jurisdiction of the subject matter, and had no jurisdiction of the person of the minor orphans drawer, as prescribed by law at the time the judgment was rendered, then the judgment was null and void, and that was the point in the case. The 27th section of the Act of 1838, providing for the condemnation of fraudulent draws in the land lottery declares that the service of *scire facias* may be effected by any sheriff of any county in the State by leaving a copy thereof with the person named as defendant, or at his or her notorious place of abode, as required by the statute, so as to have given the Court jurisdiction of her person in that proceeding to condemn her draw as fraudulent? In my individual opinion, the service of the *scire facias* on John W. Taff, who is said by the sheriff in his return to be her guardian, is not service upon the person named as defendant in the *scire facias*, even if he was her guardian. But was John W. Taff her guardian, or was he a mere man of straw? The Act of 1850 expressly provides, "that no returns made by or on behalf of any orphan, or orphans, shall be pronounced fraudulent until his or their legal guardian shall have been made a party to the *scire facias*, or other discreet person appointed by the Court in which the suit is tried to defend the case for the said orphan or orphans." If such person as John W. Taff did in fact exist, did he was her legal guardian, was he ever made a party to *the scire facias*? If not, was any discreet person appointed by the Court to defend the case for the orphan when the case was tried, and was such person *notified* of his appointment, and did he accept the same? In short, does the evidence show that the orphan drawer of this lot of land had any notice of that proceeding by *scire facias* to condemn it as fraudulent, and was she represented before the Court by any party to be bound by that judgment? If the Court had jurisdiction of her person as required by law, then the judgment was not void, though the proceedings may have been irregular, but if the Court did not obtain jurisdiction of her person in that proceeding in the manner prescribed by law, then the judgment was null and void, and the title to land is still in her or the orphan drawer, and not in the defendants who claim their title under that judgment. The question presented by this record is not whether the defendants are bona fide purchasers of the land, but the question is whether they can recover it from the land, and that is the view which this Court took of it when the case was here on a former writ of error. See Johnson and Wife vs. Wright et al., 47th Geo. Rep., 552.

Let the judgment of the Court below be reversed.

Warner, Akerman & Walker, for plaintiff in error.

James Milner, H. Jackson & Rowell, by substitution, for defendants in error.

W. D. Elam vs. H. Jackson, Ordinary. Mandamus, from Floyd.

McCAY, J.

An attorney at law who was assigned by the judge of the Superior Court as counsel to defend a indigent defendant, on his trial upon an indictment in the said Court, and who accordingly did appear and defend him is not injured by any law of this State to be paid for such services out of the county funds.

Judgement affirmed.

W. D. Elam, represented by Underwood & Rowell, for plaintiff in error.

Alexander & Wright, for defendant.

W. D. Franklin vs. T. S. Barner & T. V. Smith. Rule vs. Sheriff, from Floyd.

McCAY, J.

When a sheriff, shortly after the passage of the Act of 1868, known as the relief law, received the affidavit of a defendant according to the provisions of said law, and who received the papers as directed by the Act, and in 1873 the proceedings by the defendant, under said relief Act, were dismissed on motion of the plaintiff:

HELD, That it was not error in the Judge of the Superior Court to refuse to hold the sheriff in contempt and liable for punishment for his obedience to said law.

Even if the Act of 1868, known as the relief law, be unconstitutional, it is no *contempt* of the ordinary process of execution to obey it, if, in good faith, the sheriff so did.

Judgment affirmed.

D. R. Mitchell, Underwood & Rowell for plaintiffs in error.

Alexander & Wright, for defendants.

Fred Cox vs. S. W. Cox and George Wadsworth, claimant. Fi. fa. and claim, from Whitfield.

Mc CAY, J.

Under section 3027 of Irwin's Revised Code, authorizing parties having equitable causes of action to institute proceedings for their recovery on the law side of the Superior Court, it is not competent for a plaintiff in execution, on the trial of an issue, made upon an affidavit of a "claimant," of a tract of land levied on by the fi. fa., to enlarge and change the issue by alleging that, though the land is not subject to the execution, yet it was bought by the claimant from the defendant, with full notice that the purchase money for the same was still due to the plaintiff, and that the land is therefore subject to the vendor's lien for the purchase money, which is the debt on which the judgment levied is founded. The amendment is not sufficiently germain to the issue formed under our claim laws to justify it.

Judgement affirmed.

Jesse A. Glenn, W. H. Dabney, for plaintiff in error.

J. A. R. Hanks, D. A. Walker, W. K. Moore, for defendants.

Trippe, J., concurred with McCay, J., in the grounds of the decision.

WARNER, C. J., concurring.

I concur in the judgment of the Court in this case, on the ground that a common law Court in this State has no jurisdiction to enforce a vendor's equitable lien on the land. If the common law Courts has jurisdiction to that purpose, I see no good reason why it should not be enforced in a claim case pending on the common law side of the Court, as well as in any other case, and the verdict be so moulded as to do full justice to the parties, as provided by 3340th section of the Code. The vendor's equitable lien on the land for the unpaid purchase money due therefor, is not such an equitable *cause of action* as may be instituted on the common law side of the Court as contemplated by the 3027th section of the Code. The vendor's lien is the mere creature of a Court of equity, and can only be recognized and enforced in that Court. Generally, equity jurisprudence embraces the same matters of jurisdiction and modes of remedy in Georgia as was allowed and practiced in England—Code, 3045.

Martin & Wilkinson vs. Morris Kohn. Mortgage fi fa and claim, from Floyd.

McCAY, J.

When a mortgage fi fa for the sale of a parcel of land was, under the orders of the plaintiff's attorney, levied on the land, and the same was sold at sheriff's sale, and the money raised applied to the fi fa, and subsequently, on a statement that the fi fa was lost, the plaintiff procured an alias fi fa to issue (taking no notice of the sale) and caused it to be again levied on the land and a claim was interposed by one claiming, under the defendant in the mortgage:

HELD, That the claimant may attack the plaintiff's fi fa by showing that the orders had been complied with and the land sold according to its commands, and that it was not competent for the plaintiff in reply to show that said sale was illegal, it having been made whilst there was a pending injunction prohibiling said fi fa from proceeding. The Court will not permit the plaintiff to set up his own wrong; said sale and the return thereof are existing facts, and until set aside by a proceeding for that purpose cannot be treated as null by the very party who thus disobeyed the order of the Chancellor.

Judgment affirmed.

Underwood & Rowell, Printup & Fouche, for plaintiffs in error.

Dunlap Scott, for defendant.

SPECIALS.

HOMICIDE AT OPELIKA.

OPELIKA, ALA., May 22, 1873.

To-day in a collision between Mr. John D. Hooper and Mr. Thomas Phillips, the latter was killed. The cause of the difficulty was that Phillips made injurious charges against a highly esteemed and estimable young lady.

BY TELEGRAPH

TO THE ATLANTA CONSTITUTION.

GRANT ISSUES A PROCLAMATION.

Terrible Accident---A Platform Gives Way and Kills Three Persons and Wounds Several.

WASHINGTON.

WASHINGTON, May 22.—The following excited surprise in all circles. Senator West was equally surprised with the others:

PROCLAMATION.

Whereas, Under the pretense that William P. Kellogg, the present Executive of Louisiana, and the officers associated with him in the State administration were not duly elected, certain disorderly and turbulent persons have combined together with force and arms to resist the laws and constituted authorities of said State; and, whereas, it has been duly certified by the proper local authorities and judicially determined by the Inferior and Supreme Courts of said State, that said officers are entitled to hold their offices respectively and execute and discharge the functions thereof; and whereas, the Legislature of the said State, at its late session, upon a due consideration of the subject recognized the said executive and his associates then, as now in office, by refusing to take any action with respect thereto; and, whereas, it is provided in the Constitution of the United States, that the United States shall protect every State in this Union on application of the Legislature or of the Executive when the Legislature cannot be convened against domestic violence; and, whereas, it is prescribed by the laws of the United States, that in all cases of insurrection in any State or obstruction to the laws thereof, it shall be lawful for the President of the United States, on application of the Legislature of such State, or of the Executive, when the Legislature cannot be convened to call forth the militia of any other State or States or to employ such part of the land and naval forces, as shall be judged necessary for the purpose of suppressing such insurrection or obstruction to the laws; and whereas, the Legislature of said State is not now in session and cannot be convened in time to meet the present emergency, and the Executive of said State, under section four of article four of the Constitution of the United States, has been requested as aforesaid to protect said State against domestic violence, and to enforce the due execution of the laws; and whereas, it is required hereby it may be necessary, in the judgment of the President to use the military force for the purpose aforesaid, he shall, forthwith, by proclamation, command such insurgents to disperse and retire peaceably to their respective homes within a limited time. Now, therefore, I, U. S. Grant, President of the United States, do hereby make this proclamation and command said turbulent and disorderly persons to disperse and retire peaceably to their respective homes within twenty days from this date, and hereafter to submit themselves to the laws and constituted authorities of said State, and I invoke the aid and co-operation of all good citizens thereof to uphold law and preserve the public peace.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed. Done at the city of Washington, this 23d day of May, in the year of our Lord, 1873, and of the independence of the United States the ninety-seventh.

U. S. GRANT.

By the President:

J. C. BANCROFT DAVIS,

Acting Secretary of State.

PROHIBITIES.

For Tennessee and the Gulf and South Atlantic States, Southwest and Northwest winds increase, the pressure clearing and clear weather.

NEW YORK.

NEW YORK, May 22.—Among the bids for gold to-day, are one for 1 1-2 million dollars at 17 1-2.

A thousand dollars of Alabama 8s of 93 sold at 79.

TEXAS.

COLONEL M'KENZIE ATTACKS THE KICKAPOOS

SAN ANTONIO, May 22.—Colonel McKenzie, commanding at Fort Clarke, has failed to stop the raiders. He crossed the Rio Grande and attacked the Kickapoos on Mexican soil, killed 19 warriors and captured 40 squaws and much plunder. There is much indignation across the Rio Grande on account of this incursion. Colonel McKenzie lost one killed and two fatally wounded.

PENNSYLVANIA

PHILA.

SHAMOKIN, May 23.—While the corner stone of the Catholic Church was being laid the platform fell with one hundred people. Three were killed, fifteen seriously injured and thirty-five more or less hurt. Bishops Wood and O'Hara with twenty assisting clergymen went down They escaped slightly injured.

CALIFORNIA.

SAN FRANCISCO, May 22.—A company of forty-five volunteers, from Douglass county, Oregon, passed through Portland to-day en-route for the Modoc country.

The British steamship, Lord of Isles, is two days over due here from Hong Kong.

WYOMING.

FORT SANDERS, May 22.—Two companies of infantry, en route for the Modoc war, were ordered to remain here.

MARYLAND.

BALTIMORE, May 22.—The representatives of Great Britain were introduced and addressed the assembly.

OHIO.

MURDERED.

CLEVELAND, May 22.—S. G. Archeroft, a prominent citizen of Sandusky, was shot dead on the street to-day. Ex-Mayor Jesse Greggs has been arrested on suspicion.

MIDNIGHT DISPATCHES.

WASHINGTON.

WASHINGTON, May 22.—It is stated in Republican circles, that some time ago Kellogg applied for United States assistance, but was persuaded to withdraw it, and the National Executive regarded it of no effect. It is probable that the President, who was absent at the time, never saw the request, as the denial of a previous dispatch, that such application had been made, came from the President.

The proclamation of to day is stated to be prompted by Carpenter's pressure upon Kellogg to renew the application and the personal representation from Carpenter to the President, by telegraph, of the dangerous condition of affairs in Louisiana; hence the renewed application from Kellogg and the present proclamation.

NEW ORLEANS.

MOVED TO QUASH.

NEW YORK, May 22.—The counsel of Taintor, the defaulting cashier of the Atlantic Bank, to-day moved to quash the indictment against the prisoner on the ground that the exact amount of the alleged embezzlement was not stated, and the exact denominations of the bills withdrawn from the bank not given. Decision reversed.

LOUISIANA.

NEW ORLEANS, May 22.—General De Blanc and companions were before the United States Commissioner to-day. The case was adjourned to Monday on account of the absence of a witness for the State.

The Congressional excursionists arrived and were formally received by Mayor Wiltz, at the St. Charles Hotel, where apartments have been provided for them. To-morrow they will visit the mouth of the river.

SWITZERLAND.

GENEVA, May 22.—Hyacinthe in a sermon attacks the confessional and celibacy, and urges the election of Priests by the people, and to use the Bible in national language.

CUBA.

HAVANA, May 22.—The arrest of Price, a correspondent of the Herald, has been confirmed.

It is reported that O'Kelley is to be tried by court martial in Cuba.

SPAIN.

A PROCLAMATION.

BARCELONA, May 22.—Generel Velarde has issued a proclamation calling all males between fourteen and sixteen years of age into the Republican columns, and threatening to inflict heavy penalties upon all municipalities which shall thwart its opertions.

ENGLAND.

THE POPE'S MALADY.

LONDON, May 22.—The Lancet publishes a detailed account of the malady of the Pope, which, it says, is worse than it has been officially stated.

Financial and Commercial.

Telegraphic Markets.

NEW YORK, May 22.—Cotton quiet and unchanged. Corn quiet and weak; No. 2 mixed 39@39½ in elevators. Pork dull and nominally 17. Bacon dull; very heavy and lower to sell; sales 60 shoulders 7¼; clear rib sides 9¾; holding lots packed. Lard dull. Whisky steady at 90.

GALVESTON, May 22.—Cotton—Net receipts 452 bales; sales 450; stock 41,044.

BOSTON, May 22.—Cotton—Net receipts 3 bales; gross 489; sales 400; stock 11,000.

AUGUSTA, May 22.—Cotton — Receipts 157 bales; sales 265.

MOBILE, May 22.—Cotton higher; good ordinary 15@15 1-4; low middlings 16@16½; middlings 17¼; net receipts 51 bales; exports coastwise 231; sales 1,000; stock 29,400.

CHARLESTON, May 22.—Cotton—Net receipts 238 bales; exports coastwise 1,197 sales 300; stock 23,963.

NEW ORLEANS, May 22.—Cotton in good demand; ordinary 12½; good ordinary 15¼; low middlings 17; middlings 18¼@18½; net receipts 931 bales; gross 972; exports to continent 1,382; sales 2,000—last evening 6 000; stock 111,886.

Flour dull; treble extra $7 25@8; family $9@10 25. Corn easier; mixed 56; yellow 57; white 59. Oats 50. Bran dull at 70. Hay dull—prime $23@25; choice $26. Pork dull at $17 75. Bacon dull at 7½@9¾. Lard dull—tierces 9½; keg 10¾. Sugars and molasses no movemen. Whisky 91@94. Coffee firm 17@20.

Sterling exchange 9½; sight 9¾ premium.

SAVANNAH, May 22.—Cotton—Net receipts 634 bales; exports to continent 3,060; sales 822; stock 27,000.

WILMINGTON, May 22.—Cotton—Net receipts 21 bales; sales 63; stock 3,540.

MEMPHIS, May 22.—Cotton—Receipts 438 bales; shipments 1,090; stock 32,290.

BALTIMORE, May 22.—Cotton—Gross receipts 65 bales; exports coastwise 7; sales 335; stock 6,106.

NORFOLK, May 22.—Cotton dull with little doing; low middlings 17 1-4; net receipts 51 5bales; exports coastwise 700; sales 125; stock 7,242.

LOUISVILLE, May 22.—Flour quiet and unchanged. Corn in good demand. Pork very dull and offered at $16 without buyers. Bacon declining; shoulders 7¼@7½; clear rib sides 9½; clear sides 9¾, packed. Lard lower; tierce 9@9½; kegs 10a10½; steam 8¾. Whisky steady at 89.

CINCINNATI, May 22.—Flour quiet at $7 75@8. Corn quiet at 47@49. Provisions dull, lower to sell, with indicious of reaction at close. Pork unsettled and not really nominal at $16. Lard dull and nothing. Bacon dull; jobbing sales of shoulders at 7¼; clear rib sides 8¾@9, seller, June; clear sides held at 9¾. Whisky, dealers apart, saleable at 88; held at 89.

LONDON, May 22.—Turpentine 32s 6d@33s. Bullion has increased nearly half million pounds sterling.

LIVERPOOL, May 22—3 o'clock —Cotton closed firm and tending up; uplands 8 7-8; Orleans 9¼@9¾.

LATER—Cotton—sales include 8,000 bales of American; Savannah and Charleston, May delivery 8 13-16.

Breadstuffs dull. Flour 27s 6d. Corn 27s 6d. Lard 59s 6d. Turpentine 33s 6d.

NEW ADVERTISEMENTS.

VOICE BUILDING.

MISS J. F. KENNEDY will take a limited number of pupils in

VOCAL CULTURE.

Special attention will be given to Voice Building and the formation of

Pure Tones.

Terms per quarter of twenty lessons, $25. Elementary instruction in class and reading at sight are included, free of extra charge. Quartette classes formed on application.

For further particulars, call on or address GUILFORD, WOOD & CO., may23-dcod2w 68 Whitehall street.

AUCTION SALES,

Saturday Morning 9 1-2 O'clock,

By the Live Auction House of T. C. Mayson.

J. H. BARRETT, Auctioneer.

ONE GOOD SECOND-HAND PIANO,

Housch'd and Kitchen Furniture of all grades.

One good second hand BUGGY, and two sets new HARNESS.

10 bbls. FLOUR. Also, DRY GOODS, BOOTS, SHOES, and NOTIONS in endless variety.

SALES POSITIVE. TERMS CASH.

If you want bargains be on hand punctual y at 9½ o'clock may23-d1t

ANTONIO TORRE,

DEALER IN

FRUITS AND VEGETABLES,

No. 107 Whitehall St.

RECEIVED daily, fresh Cabbage, Beans, Squashes, Cucumbers, Beets, and all kinds of Vegetables.

Also, Bananas, Oranges, Lemons, Apples, and all the tropical fruits always on hand. Give me a call! may23-d3t

BIRMINGHAM,

The Iron City of Alabama.

GREAT SALE OF LOTS AT AUCTION,

On Wednesday, June 18th, 1873.

TITLES WARRANTED.

OFFICE OF HILTON LAND COMPANY, BIRMINGHAM, ALA., April 18th, 1873.

The Hilton Land Company will sell at auction on the 18th of June next, a large number of lots in this city and on their property adjoining.

Suburban lots will be sold in sizes to suit purchasers, not exceeding twenty acres to any one lot.

Titles will be guaranteed without restriction as to time of erecting building or making other improvements.

Terms of sale, either cash, or one-fifth cash, one-fifth in six months, one-fifth in twelve months, and balance in eighteen months, with interest.

The sale will be conducted on the premises.

A map of lots to be sold is now in preparation and will soon be on exhibition.

may22-d1w J. R. POWELL, President.

HANDSOME STORE TO RENT.

One of the Best Stands in the City!

AS I intend moving into my new Agricultural Building, corner of Hunter and Forsyth streets, early in June, I offer the Store I now occupy for rent. Call early and let me know if any of the fixtures are desired or not.

Farmers, Take Notice,

that I have a TREMENDOUS STOCK of Mowers and Reapers, Threshers, Fan Mills, Horse Powers, Grain Cradles, Grass Sythes, etc., on the store and driving.

MARK W. JOHNSON, Agricultural Building, Atlanta, Ga. may23-d2w3w

IN THE DISTRICT COURT OF THE UNITED STATES for the Northern District of Georgia. In the matter of John P. Johnson, of the county of Macon, and State of Georgia, who has been adjudged a Bankrupt on his own petition, and that the payment of any Debts, and delivery of any Property belonging to such Bankrupt, to him, or for his use, and the transfer of any Property by him, are forbidden by Law; that a Meeting of the Creditors of the said Bankrupt, to prove their Debts, and to choose one or more Assignees of his Estate, will be held at a Court of Bankruptcy, to be holden at Atlanta, Ga., before Lawson Nisbet, Esquire, Register, on the 9th day of June, A. D., 1873, at 10 o'clock, A. M.

W. M. SMYTH, United States Marshal, as Messenger. may23-d1t

Notice in Bankruptcy.

THIS is to give notice that on the 21st day of May, A. D., 1873, a warrant in Bankruptcy was issued against the estate of John P. Johnson, of the county of Macon, and State of Georgia, who has been adjudged a Bankrupt on his own petition, and that the payment of any Debts, and delivery of any Property belonging to such Bankrupt, to him, or for his use, and the transfer of any Property by him, are forbidden by Law; that a Meeting of the Creditors of the said Bankrupt, to prove their Debts, and to choose one or more Assignees of his Estate, will be held at a Court of Bankruptcy, to be holden at Atlanta, Ga., before Lawson Nisbet, Esquire, Register, on the 9th day of June, A. D., 1873, at 10 o'clock, A. M.

W. M. SMYTH, United States Marshal, as Messenger. may23-d1t

ATLANTA FURNITURE MANUFACTORY!

New Furniture House!

Warerooms 87 Whitehall Street, Atlanta,

Where Great Inducements are Offered to Those in Want of

FURNITURE.

All parties will find it decidedly to their interest to examine our stock before purchasing elsewhere.

Warerooms 87 Whitehall Street. Factory Corner Butler and Harris Sts. may22-d1w

GOULD, BARTON & CO.,

THE DAILY CONSTITUTION
ATLANTA:
FRIDAY, MAY 23, 1873.

SUGAR CREEK PAPER MILLS.
WM. McNAUGHT & CO.

See Daily and Weekly Constitution for Specimens of Paper.

CITY INTELLIGENCE.

Carter, Brock & Co.'s Atlanta Branch Dead South-ern Oil for Paint Works, 38 Fryer street. Pure Lard, Lard Oil, Fine Burning Oils, Colors, Varnishes, Window Glass, Lamps, etc., at Wholesale. Artists' materials, Cleg-horn, Pencils, Canvas, Stretchers, Water and Oil Colors, &c., a specialty. apr13-eodly.

REMOVAL.—Will move to Garrett & Brother's old stand, four doors above Dodd's corner, on June 1st.

To avoid moving, will sell a large quantity of oil cheaper than any one.

may17-dtf JOHN T. HAGAN & CO.

W. H. BROTHERTON continues his closing out sale. If you want bargains go to see him, he is determined to close, he means business.

may 20 tf

W. H. BROTHERTON sells Bishops and Victoria Lawns at 20c, striped cambrics 12½c, 4-4 bleached domestics, 12½c, best prints 11½c, 4 white Marseilles quilts, $1 25, kid gloves, 10c, and all other goods at same reduced rates. Go see before it is too late.

may 22-tf.

INDEX TO NEW ADVERTISEMENTS.—Great sale of lots in Birmingham, June 16th.

Mark W. Johnson has a fine store on Marietta street to rent.

The furniture of the Planters' Hotel, at Augusta, will be sold at administratrix's sale on the first Tuesday in July.

See notice of A. W. Foster, assignee of John F. Johnson.

An active and live insurance man wanted as agent.

Miss Kennedy will take a limited number of pupils in vocal music.

Mayson will have a mammoth sale on Saturday.

See notice in bankruptcy of Wm Jackson.

See notice in bankruptcy of John F. Jackson.

See notice in bankruptcy of John J. Upsham

See notice in bankruptcy of Isaac Bates.

Fruits and vegetables—Antonio Torre.

P. H. Engelbert, Bread street, has on hand and for sale at the lowest figures, a large assortment of fine brands of cigars—his own manufacture and imported genuine Havana tobacco.

ATLANTA, GA., May 22, 1873.—The picnic excursion of the Sunday school, First Baptist Church, to Newnan, will leave the passenger depot on Saturday morning, 24th inst., at 7½ o'clock, arriving at Newnan at 9.45, leaving Newnan on return at 4 P. M., arriving in the city 6 12. Tickets can be procured at Phillips & Crew, J. J. Richards, Redwine & Fox, Venable & Collier's and John J. McDaniel's

The public are cordially invited to join them, as arrangements have been made to render the picnic a success.

Persons desiring to take servants with them can do so by paying *half fare*.

PROF. JOHN R. SCOTT.—A friend whose judgment in such matters, says that this accomplished elocutionist has rare culture and abilities in the line of his profession. He says that Mr. Scott's analysis of the vocal elements is masterly; that he knows how to reach effectually the common defects of speech in imperfect reading and speaking; that he has fine literary tastes and culture, and in fine, that he is a most accomplished instructor in the art of reading and speaking.

Our friends suggest that our young lawyers, our clergymen and public speakers generally, could not do a better thing than to learn from Mr. Scott, who is certainly able to teach them how to make the most of their voices.

See advertisement of his lecture and readings to-night, at which he proposes to organize a class.

THE COURTS.

A Heavy Decree in favor of William Solomon—The Eureka Fire Company Incorporated—An Indiana Lawyer admitted to the Bar—Criminal Matters in the Justices' Courts, etc., etc.

Fulton Superior Court

Met yesterday morning at its usual hour, Judge Hopkins presiding. The following business was transacted.

Sarah Waller vs. the Western and Atlantic railroad, case, etc. This case was argued before the Board of Commissioners appointed to audit claims against the Western and Atlantic Railroad. An award of $300 was given by the Commissioners to the plaintiff and paid by the State. These facts appearing to the Court, the case was stricken from the docket. Hillyer & Bro., plaintiff's attorneys.

A petition from Messrs. W. S. Walker, I. S. Boyd, W. A. Baker, T. W. Hooper, John Patterson, H. Stockton, Charles Dupree, W. D. Bell, A. M. Wilson, W. L. Davis, and their associates, to be incorporated under the name of the "Eureka Fire Company," was taken up. It appearing to the Court that the petition had been duly recorded in the Clerk's office, and published once a week for four weeks, an order was passed granting the petition and incorporating the above named parties for a term of twenty years.

Mrs Hattie H. Morrison vs. James J. Morrison and William Solomon. Bill for relief, etc. In this case the jury have returned the following heavy verdict in favor of Solomon:

"We, the jury, find and decree that the mortgage in the hands of Solomon is a valid lien upon the trust property mentioned in the mortgage, and he is entitled to have the same foreclosed for $6,954 49 principle and $674,49 interest, and that if said complainant do not pay said sums in four months, that a fi fa issue and the property be sold to pay the said amount." A decree has been accordingly entered by the court.

W. L. Colant vs. R. S. Pomeroy and A. C. Ladd, garnishee, complaint and garnishment.

The garnishee having sworn red that he had in his possession one black horse belonging to the defendant, it was ordered by the court that the horse be delivered to the Sheriff and sold on next sale day.

David A. Spencer, Esq., of the State of Indiana, applied for admission to this bar. Having produced the usual certificate, and taken the required oath, his application was granted, and one more added to our already tolerably numerous bar.

Carhart & Brother vs. Hubbard and Chisolm. Illegality on fi fa. In this case the following verdict was returned: "We, the jury, find for the plaintiff."

John M. Stokes & Son, plaintiffs in fi fa vs. George P. Wagner, defendant in fi fa, and Mrs. Mary A. Fraser, claimant. Levy and claim.

The levy was dismissed by the Court on motion, and judgment given to the claimant against the plaintiff for the costs. Peeples & Howell, attorneys for claimant.

In the afternoon the case of Watt vs. Watt, administratrix, bill, etc., was taken up. When Court adjourned the jury had just retired, but will be allowed to bring in a sealed verdict by consent. Col. R. H. Dreyfus, for complainant, Hynat & Bell, contra.

The United States Commissioner's Court.

Some eight or nine prisoners from Rowlesville county were brought into the city yesterday by the Federal authorities. They are charged with violation of the revenue laws. Commissioner Smith will investigate into their cases on Monday, at which time we will be able to give more in the matter.

The Justices' Courts.

At eight o'clock yesterday morning Justice Hillyer tried the negro John Tomlin for arson.

He was charged by Mr. John Bolton with stealing $8 00 from the money drawer of his store on Whitehall the night before. The evidence was pretty strong against him, and he was committed to jail to await further action.

The other magistrates report nothing worthy of note.

The Cox House Report.

Geo. Washington, colored, was arrested by officer Hall yesterday for obtaining money under false pretenses. He imposed upon the negroes in the neighborhood by saying that his sister was in the penitentiary and he wanted to raise money to get her out. He succeeded in obtaining over fifteen dollars on the strength of his story. He was committed to jail in default of bail.

SHARP TRANSPORTATION.

Water Lines Between the West and Atlantic Ocean.

Remarks of Maj. Walter McFarland, Chief of Engineers, Ga., Before the Governor's Convention.

I have been asked, gentlemen, to explain to you the engineering features of the schemes for the discussion of which this convention has been called.

The information which I have to lay before you is of a purely statistical, and of necessity dry character, and, by your permission I will read you the notes I have prepared on the subject:

A glance at the map of the United States will show that at present there are but two all-water routes from the valley of the Mississippi to the seaboard—

One, all natural—the Mississippi river.

The other, partly natural, partly artificial—the route by the great lakes and the Hudson river, and the canals of Ohio, Indiana, Illinois and New York.

But there are two other points, and only two, where the tributaries of the Mississippi approach so nearly the head waters of rivers that flow into the Atlantic that a comparatively small amount of canalling would connect them, thus giving two additional all-water routes between the Mississippi valley and the Atlantic coast.

These two points are where the Alleghany range separates the James river from the Kanawha, in the one case; and the rivers of Georgia from the Tennessee in the other.

By the former connection an all-water route would be opened from the Mississippi through the Ohio and Kanawha rivers and the canal across the mountains to the James, and down the James river to the Chesapeake Bay and a port at Norfolk, Virginia.

By the latter an all water route would be opened from the Mississippi, through the Ohio and Tennessee rivers, to a canal connecting the Tennessee and Coosa rivers or their branches, thence by canal from Rome, Georgia, to Macon, Georgia, and down the Ocmulgee and Altamaha rivers to the Atlantic and a port.

Both schemes are old, the former being attributed to the far-sighted genius of our first President, Washington.

The latter was certainly talked of thirty years ago, though the question then agitated was in reference to connecting the Tennessee and the Savannah rivers.

It is with the latter of these schemes only that I have to do, and I shall endeavor to give you briefly an outline of what has been done towards ascertaining the practicability of opening this route, and what its probable cost will be.

Two years ago an act of Congress directed "a survey beginning at or near Guntersville, on the Tennessee river, to the head-waters of the Warrior and Coosa rivers Alabama, with the view of determining the practicability of uniting the waters of the Warrior and Coosa rivers, for the purposes of navigation, and estimates for necessary locks and dams to extend the navigation on said river to the last named point."

And a resolution of the Senate of the United States, passed at the same time, was as follows:

"Resolved, That the Secretary of War be, and he is hereby requested to cause the Engineer Department of the United States to extend the survey of the Etowah river, (already ordered) so as to embrace estimates for a canal connecting said river with the Ocmulgee river, with a view to opening a direct and unobstructed water communication between the waters of the Mississippi and the Atlantic ocean."

At the same session an appropriation was made for the "Resurvey of the Tennessee River from Brown's Ferry to Florence, Alabama."

This portion covers the obstruction known as the Muscle Shoals, which here breaks the Tennessee in two, and by preventing the continuous navigation of this fine river, in a great measure, deprives the country bordering upon its upper waters of the benefits enjoyed by every other region watered by the Mississippi and its tributaries.

These various surveys were placed in my charge, and I under able assistants, civil and military, were completed and reported upon last summer, and are to be found in the report of the Secretary of War accompanying the President's message for 1873.

The report shows that the scheme is entirely practicable; that the length of canaling required will be less than the length of the Erie Canal main line; and that the cost of its construction, including certain necessary river improvements, will be less than the cost of the Erie Canal enlarged, main line.

The route as proposed, beginning at the mouth of the Ohio River, is as follows: Up the Ohio to the Tennessee; up the Tennessee, passing Muscle Shoals to the mouth of Short Creek, two miles and a half above Guntersville, Alabama—the lowest point reached by the Tennessee; from the mouth of Short Creek by canal and slack water navigation across Sand Mountain, and down the valley of Will's Creek to its junction with the Coosa, two miles and a half below Gadsden; Alabama, up the Coosa to Rome, Georgia—from Rome, by canal and slack water navigation, up the valley of the Etowah and Little rivers, across the Chattahoochee plateau (crossing the Chattahoochee by an aqueduct one hundred and seventeen feet high)—down the Yellow and Ocmulgee rivers to Macon; thence continuing down the Ocmulgee to the Altamaha, and down the Altamaha to the sea—a total distance of 1,388 miles—923 of which is by river, and the remaining 265 miles by canal and slack water navigation.

The canal around Muscle Shoals, apart from the duty which it is intended to perform as a link in the proposed chain of water communication between the Mississippi River and the Atlantic Ocean, is designed to overcome the great obstacle which these shoals interpose to the free navigation of the Tennessee, and should therefore be adapted to the passage of the largest steamers ever likely to be employed upon it, in order that the valley of the Upper Tennessee, so rich in agricultural and mineral resources, may no longer, for want of cheap and easy water communication with the great centers of wealth and population in the Mississippi valley, be hindered in its development and deprived of the advantages enjoyed by the regions watered by all the other great tributaries of the Mississippi.

The proposed dimensions of this canal are as follows: One hundred feet wide at surface, six feet deep, with lock chambers sixty feet broad and three hundred feet long between mitre sills. The limit of width is fixed by certain local conditions.

The proposed canal between the Tennessee and the Coosa rivers will also, besides serving as a link in the same great chain, have another duty to perform, for in connection with the improvement of the Coosa, it will open direct water communication between the valley of the Tennessee and the rich cotton and mineral regions of Central and Northern Alabama, and will furnish a short and easy water route from Eastern Tennessee and Northern Georgia and Alabama to Mobile and the Gulf of Mexico. For this reason it would have been well to have designed this canal also for the passage of river steamers, but unfortunately the narrowness and crookedness of the rocky valleys through which this canal must pass, render this impracticable except at a cost out of all proportion to the benefits to be gained by its accomplishment, and we are compelled, therefore, to restrict the dimensions of the canal to such as seem best adapted to the service of the trade which is likely to seek it, and in the character of the boats which the nature of the river portions of the route may compel us to resort to.

The traffic over this route would, of necessity, be chiefly in bulky and windy articles; grain, ores, coal, lumber and salt provisions; and the boats for carrying these should be as large as possible. It is designed to improve the river portions of the route so that during the dry season, or seasons of the lowest water three feet water may always be carried over the bars and shoals.

During the remainder of the year, there will be no difficulty in carrying five (5) or six (6) feet over the same portions, and this enables us to fix the dimensions of the canal. By making it seventy (70) feet wide at the water surface, and the locks seventy with lock chambers thirty (30) feet wide and three hundred and twenty (320) feet long between mitre sills, we provide for passage of boats of three hundred (300) tons capacity, with a draught of six feet when loaded. It would seem to be very desirable to fix the canals now under consideration such dimensions as would permit of the passage of these large class of steamers; but the expensive character of their construction, especially the heavy locks necessary, renders

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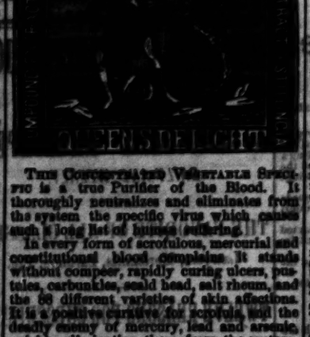

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"DEAR MADAME: I found this pocket-book to-day, October 4, about 5 o'clock, in Central Park. There was about $19 75 in it. It came very nice for me, for I was rather short in the pocket. If I should send you the money it would be no lesson to you for losing it, but now you will be more careful next time. If I was you I would not carry a pocket-book, but put my money in my breech. I send you back the book, because I suppose you care more for that hair and the penny than you do for the nasty money that makes all the trouble in the world.

"I remain yours truly,
"MANUEL CLAVERIE."

"P. S.—I leave your silver for better luck next time. I think by the looks of them new stamps that you have money in the bank. Well, I will be your banker, and pay you seven per cent. for this money I have got. I only borrow it, and will pay you one of these days, if, when I am ready, I can find you. You know it is no harm to borrow. My stomach feels lighter already. In a year or two I will try to find you out and pay you with interest.

"On Thursday last a young aide rang the bell at the house of the recipient of this letter, and asked for the lady by name, was shown into the parlor. Without unnecessary delay he pulled out his pocket-book and handed her $19 75, saying as he did so, "I hardly expected to pay you so soon." Being urged to retain a portion of the money, the polite thief replied, "Oh, no; I've plenty of it."

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A Singular Method.

The Australian natives have a remarkably inconvenient method of conducting their courtships. In fact, as it proposes to marriage, there is no courtship at all. A young warrior in want of a wife generally takes it for granted his choice, or some female relative, or parent being considered, as in all enough, sometimes inferior beings. The Australian's mode of paying his addresses is simple, and on the final knocking. Having fixed upon the object of his affections, he stuns her with a blow of his waddy club, and when she returns to her senses carries her off in triumph as his property. Sometimes several warriors combine for an expedition with a view to marriage. Coming upon the camp fires where the young ladies are seated, each armed with a waddy, these gentle savages very unceremoniously creep behind the unsuspecting girls, and each one delivers a blow with his waddy on the head of his fair victim. Then, shouldering their prizes, they make off with them to their own camp. On the return of the party to the village the fair ones are distributed by the chief among the warriors who have been successful in the foray. All look for their wives in this manner. The Australian's mode of paying his addresses is simple, and on the final knocking. Having fixed upon the object of his affections, he stuns her with a blow of his waddy club, and when she returns to her senses carries her off in triumph as his property. Sometimes several warriors combine for an expedition with a view to marriage. Coming upon the camp fires where the young ladies are seated, each armed with a waddy, these gentle savages very unceremoniously creep behind the unsuspecting girls, and each one delivers a blow with his waddy on the head of his fair victim. Then, shouldering their prizes, they make off with them to their own camp. On the return of the party to the village the fair ones are distributed by the chief among the warriors who have been successful in the foray. All look for their wives in this manner.

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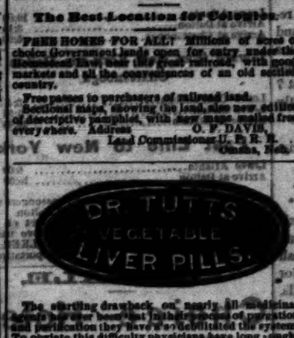

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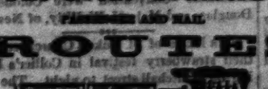
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